

## REMARKS

Applicants would like to thank Examiners Boyd and Singh for the courtesies and helpful discussions held with the undersigned representative on August 22, 2006. The interview included a discussion of the claimed film and the multi-layered film of Zhao, including possible claim amendments with regard to film structure and percentage of water soluble and biodegradable polymers.

Pursuant to our discussion, Applicants amend claims 19-21 and add new claims 22-25. No new matter has been added. Claims 2-6, 8-14, and 17-25 are pending.

### 35 U.S.C. § 102 Claim Rejections

#### Zhao et al. (US 6,514,602)

Claims 2-6, 8-14, and 17-21 were rejected as being anticipated by Zhao et al. (US 6,514,602; hereinafter "Zhao").

Claim 21 has been amended to recite a personal care product comprising a biodegradable monolayer film, wherein the biodegradable monolayer film comprises a biodegradable polymer and a water soluble polymer, the biodegradable monolayer film comprising from about 70% to about 95% biodegradable polymer by weight of the biodegradable monolayer film, wherein the biodegradable monolayer film has a water vapor transmission rate of greater than about 2500 g/m<sup>2</sup>/24 hrs. The present invention discloses substantially biodegradable monolayer films optimized for high breathability.

Zhao does not disclose or suggest a monolayer film in accordance with these limitations. In particular, Zhao discloses a multilayer film. In addition, Zhao does not disclose or suggest a film comprising from about 70% to about 95% biodegradable polymer by weight of the biodegradable monolayer film. Instead, Zhao discloses a multilayer film comprising a first layer comprising a majority of biodegradable polymer and a substantially thicker and predominantly water-soluble second layer. Even if one were to calculate the maximum amount of

biodegradable polymer in a film embraced by Zhao's disclosure, that film would have no more than 58% biodegradable polymer.<sup>1</sup>

Zhao further fails to disclose a film necessary having a water vapor transmission rate (WVTR) of greater than about 2500 g/m<sup>2</sup>/24 hrs. Zhao merely discloses a multilayer film having a WVTR of at least about 1000 g/m<sup>2</sup>/24 hours. Zhao does not disclose any film having a WVTR of greater than about 2500 g/m<sup>2</sup>/24 hrs as claimed, nor does Zhao provide any reasonable expectation that the disclosed films would necessarily achieve a WVTR of greater than about 2500 g/m<sup>2</sup>/24 hrs. Zhao provides no more than an invitation to make and test a disclosed film to see whether it has a WVTR of greater than about 2500 g/m<sup>2</sup>/24 hrs.

Because Zhao does not teach or suggest each and every limitation recited in claim 21, Zhao does not anticipate claim 21 or claims 2-6, 8-14, 17-20, and 22-24 depending therefrom.

### **New claims 22-25**

In view of the amendments to claim 21, limitations from previous claim 21 were incorporated into new dependent claims 22 and 23.

New dependent claim 24 and new independent claim 25 have been added to define a further aspect of the present invention. In particular, the present invention provides an unexpected enhancement in breathability when stretching a film while in contact with water that is neither taught nor suggested by the prior art of record. Applicants submit that stretching a film comprising a blended mixture containing water-soluble polymer while in contact with water will produce microvoids in precursor film areas previously containing water-soluble polymer. Consequently, the claimed films will have a materially different structural configuration as compared to stretched films described in the prior art of record.

---

<sup>1</sup> Based on a two-layer film with the water soluble layer comprising 70% of the film thickness and having 40% biodegradable polymer and 60% water soluble polymer, the biodegradable layer comprising 30% of the film thickness and having 100% biodegradable polymer. See col. 8, lines 4-10 and col. 9, lines 1-5.

It is believed that this application is now in condition for allowance. Such action is respectfully requested. If for any reason the Examiner is unable to allow the application in the next Office Action, Applicant respectfully requests an interview with the undersigned agent to discuss any outstanding issues.

Respectfully submitted,

  
Peter Brunovskis  
Registration No. 52,441  
Agent for Applicants

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200